

12-19-02

15:23

FROM-RatnerPrestia

6104070701

T-300 P.018/024 F-042

MTS-520US3

PATENT

#8  
p.h.  
12-26

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mitsuaki Oshima et al. : Art Unit: 2134  
Serial No.: 10/020,427 : Examiner: Paul Callahan  
Filed: December 7, 2001 :  
FOR: MARK FORMING APPARATUS, METHOD :  
OF FORMING LASER MARK ON OPTICAL DISK, :  
REPRODUCING APPARATUS, OPTICAL DISK :  
AND METHOD OF PRODUCING OPTICAL DISK :

TERMINAL DISCLAIMER TO

OVERCOME DOUBLE PATENTING REJECTION

Assistant Commissioner for Patents

Washington, D.C. 20231

S I R :

I, Allan Ratner, represent that I am an attorney of record for  
this invention.

The Assignee is Matsushita Electric Industrial Co., Ltd.

The extent of the interest in this invention that the Assignee  
owns is in the whole of this invention, by virtue of an assignment from the  
inventor of U.S. patent application Serial No. 08/560,015, filed  
November 17, 1995, now United States Patent No. 5,761,301.

FP\_1:\MTS\520US3\TERMINALDISCLAIMER.DOC

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The Assignment was recorded on April 10, 1996, Reel 7884, Frame 0122. A copy thereof is attached.

The terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of any patent granted on second pending Application No. 09/588,364, filed on June 2, 2000, the term defined in 35 U.S.C. §§ 154 to 156 and 173 is hereby disclaimed, except as provided below. It is agreed that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and any patent so granted on the second pending application shall be commonly owned, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term (as defined in 35 U.S.C. §§ 154 to 156 and 173) of any patent granted on the second pending application, in the event that any such granted patent: later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims

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cancelled by a reexamination certificate, is reissued, or is terminated prior to expiration of its full statutory term, except for the separation of legal title stated above.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the Assignee identified above.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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The Assistant Commissioner for Patents is hereby authorized to charge payment of the required processing fee (\$110.00) to Deposit Account No. 18-0350 as set forth in 37 C.F.R. § 1.17.

Respectfully Submitted,

  
Allan Ratner, Reg. No. 19,717  
Jack J. Jankovitz, Reg. No. 42,690  
Attorneys for Applicants

JJJ/dlm

Enclosures:  
Copy of Assignment Recordation

Dated: December 19, 2002

Suite 301  
One Westlakes, Berwyn  
P.O. Box 980  
Valley Forge, PA 19482-0980  
(610) 407-0700

The Assistant Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. (703)-748-7239) on the date shown below.

December 19, 2002  


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RATNER &amp; PRESTIA



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Washington, D.C. 20231

JUNE 29, 1996

PTAS

RATNER & PRESTIA  
ALLAN RATNER  
P.O. BOX 980  
500 N. GULPH ROAD  
VALLEY FORGE, PENNSYLVANIA 19482



\*100173965A\*

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UNITED STATES PATENT AND TRADEMARK OFFICE  
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RECORDATION DATE: 04/10/1996

REEL/FRAME: 7884/0122  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
OSHIMA, MITSUAKI

DOC DATE: 02/20/1996

ASSIGNOR:  
GOTOH, YOSHIHO

DOC DATE: 02/20/1996

ASSIGNEE:  
MATSUSHITA ELECTRIC INDUSTRIAL CO. LTD.  
1006, OAZA KADOMA, KADOMA-SHI  
OSAKA, JAPAN 571SERIAL NUMBER: 08560015  
PATENT NUMBER:FILING DATE: 11/17/1995  
ISSUE DATE:

KEITH GOODE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

COPY

No legalization required

ASSIGNMENT

WHEREAS, the ASSIGNOR, comprising the following named inventors:

InventorsASSIGNORS/  
INVENTORS

1. Mitsunaki OSHIMA
2. Yoshiho GOTOH
- 3.
- 4.

TITLE

has made an invention entitled: MARK FORMING APPARATUS, METHOD OF FORMING LASER MARK ON OPTICAL DISK, REPRODUCING APPARATUS, OPTICAL DISK AND METHOD OF PRODUCING OPTICAL DISK and has executed an application for Letters Patent of the United States concurrently herewith;

WHEREAS, the ASSIGNEE, comprising the following named company:

ASSIGNEE  
(Full Name  
and address)

1. MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.  
of 1006 Oaza Kadoma, Kadoma-shi, Osaka 571 JAPAN

is desirous of acquiring the entire interest in and to said invention and the Letters Patent to be obtained therefor,

NOW, THEREFORE, in consideration of the payment by ASSIGNEE to ASSIGNOR of a sum corresponding to One Dollar (\$1.00), and for other good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR, intending to be legally bound, hereby sells, assigns and transfers to ASSIGNEE, its successors and assigns the full and exclusive right, title and interest in and to said invention, all applications for Letters Patent for said invention, including all divisions and continuations thereof, all rights to claim priority based thereon, and all Letters Patent, including reissues, to be obtained therefor, including any and all foreign patent rights in this invention corresponding thereto.

- 2 -

ASSIGNOR hereby warrants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this Assignment.

ASSIGNOR agrees it shall be legally bound, upon request of the ASSIGNEE or its successors or assigns or a legal representative thereof, to supply all information and evidence of which the ASSIGNOR has knowledge or possession, relating to the making and practice of said invention, to testify in any legal proceeding relating thereto, to execute all instruments proper to patent the invention in the United States of America and foreign countries in the name of the ASSIGNEE, and to execute all instruments proper to carry out the intent of this instrument.

If the invention requires a biological deposit, ASSIGNOR also grants to ASSIGNEE such control over any deposit made by ASSIGNOR as may be necessary to the validity of the patent rights assigned herein.

ASSIGNOR authorizes ASSIGNOR's attorney to insert at the end hereof the serial number and filing date of the aforesaid application for United States Letters Patent and/or the Attorney docket or file designation for this application.

If the ASSIGNOR includes more than one individual, these obligations shall apply to these individuals both individually and collectively.

IN WITNESS WHEREOF, this Assignment is executed on the day indicated below.

	(Typed or Printed Name)	(Signature)	(Date)
SIGNATURE	1. Mitsuaki OSHIMA	<u>Mitsuaki Oshima</u>	<u>Feb. 20, 1996</u>
	2. Yoshiho GOTOH	<u>Yoshiho Gotoh</u>	<u>Feb. 20, 1996</u>
	3.	_____	_____
	4.	_____	_____

Application for United States Letters Patent

Serial No. 08/560,015 Filed November 17, 1995

Attorney Docket No.: MTS-520

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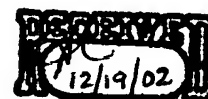
Suite 301, One Westlakes, Berwyn  
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Valley Forge, PA ♦ Allentown, PA ♦ Wilmington, DE

**Official****FACSIMILE COVER SHEET**DATE: December 19, 2002OUR REF.: MTS-520US3

TIME: \_\_\_\_\_

YOUR REF.: 10/020,427

TO:	PAUL E. CALLAHAN
COMPANY:	U. S. PATENT AND TRADEMARK OFFICE
FROM:	Allan Ratner/Jack J. Jankovitz
FAX TELEPHONE:	(703) 746-7239
OFFICE TELEPHONE:	(703) 305-1336
TITLE OF DOCUMENT:	Amendment, Terminal Disclaimer, Substitute Declaration

Total Number of Pages 24 (including this form)

COMMENTS

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